

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

Criminal Case No. 13-20298

Civil Case No. 15-13329

v.

Scott R. Detloff,

Sean F. Cox

United States District Court Judge

Defendant/Petitioner.

ORDER APPOINTING COUNSEL FOR PETITIONER
FOR PURPOSES OF HIS § 2255 MOTION

In Criminal Case Number 13-20298, Defendant/ Petitioner Scott R. Detloff (“Detloff”) pleaded guilty to Count Four of the Indictment, Theft of United States Mail in violation of 18 U.S.C. § 1708, pursuant to a Rule 11 agreement. This Court sentenced Detloff to the following term of imprisonment on his mail theft conviction: “60 months, to run concurrent to his undischarged term of imprisonment with the Michigan Department of Corrections in case number 09-229096-FH.” (*See* Judgment, D.E. No. 77, at Pg ID 318). Detloff filed a direct appeal.

On July 15, 2015, the United States Court of Appeals for the Sixth Circuit issued a decision on Detloff’s direct appeal. *United States v. Detloff*, 794 F.3d 588 (6th Cir. 2015). Among other things, the Sixth Circuit noted certain tensions between Detloff and his Counsel at sentencing. *Id.* at 593-95. The Sixth Circuit found that Detloff’s claim of ineffective assistance of counsel was premature and dismissed that claim without prejudice, noting that Detloff could raise the claim in post-conviction proceedings. *Id.*

On September 21, 2015, Detloff filed a *pro se* Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct his Sentence. (D.E. No. 94). Detloff used a “fill-in-blanks” form order for his § 2255 Motion. Detloff did not file a supporting brief in support of his motion.

On September 22, 2015, this Court issued a Notice of Filing A Motion Under 28 U.S.C. § 2255. (D.E. No. 95).

On September 23, 2015, this Court issued a “Notice Regarding Parties’ Responsibility To Notify Court Of Address Change” (D.E. No. 96) and an “Order for Submission of Responsive Pleading” that required the Government to file a response to Detloff’s § 2255 Motion by November 23, 2015. (D.E. No. 97).

On November 23, 2015, the Government filed a response to Detloff’s § 2255 Motion. (D.E. No. 100). **The Government, however, failed to serve its response on Detloff – who is incarcerated and does not have the ability to file or receive documents electronically. (See D.E. No. 100 at Pg ID 502).**

Meanwhile, because of transfers between facilities and Detloff’s failure to update the Court as to his current addresses, various orders and notices in this action sent to Detloff have been returned to the Court as undeliverable. As such, the Court is now mailing copies of Docket Entries 95, 96, 97 and 100 to Detloff at the address currently listed for him by the Bureau of Prison’s Inmate Locator System (FCI Milan, P. O. Box 1000, Milan, MI 48160).

A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2).

Having initially reviewed Detloff’s § 2255 Motion, the Government’s Response to it, and

United States v. Detloff, 794 F.3d 588 (6th Cir. 2015), this Court concludes that, out of an abundance of caution, the interests of justice warrant appointment of counsel at this time. The Court therefore **ORDERS that Counsel for Detloff be appointed for purposes of his pending § 2255 Motion**. Once Counsel is appointed, this Court will schedule a Status Conference to discuss further proceedings in this matter.

IT IS SO ORDERED.

Dated: February 16, 2016

S/ Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on February 16, 2016, the foregoing document was served on counsel of record via electronic means and upon Scott Detloff via First Class mail at the address below:

SCOTT DETLOFF #54185-060
FCI MILAN
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 1000
MILAN, MI 48160

S/ J. McCoy
Case Manager